

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of himself and all
other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official
capacity as President of the Senate;
LUKE A. RANKIN, in his official capacity as
Chairman of the Senate Judiciary Committee;
JAMES H. LUCAS, in his official capacity as
Speaker of the House of Representatives;
CHRIS MURPHY, in his official capacity as
Chairman of the House of Representatives
Judiciary Committee; WALLACE H.
JORDAN, in his official capacity as Chairman
of the House of Representatives Elections Law
Subcommittee; HOWARD KNAPP, in his
official capacity as interim Executive Director
of the South Carolina State Election
Commission; JOHN WELLS, Chair,
JOANNE DAY, CLIFFORD J. ELDER,
LINDA MCCALL, and SCOTT MOSELEY,
in their official capacities as members of the
South Carolina State Election Commission,

Defendants.

Case No. 3:21-cv-03302-JMC-TJH-RMG

JOINT STATUS REPORT

Pursuant to the Text Order issued by the Panel on February 22, 2022 (ECF No. 175), which
ordered the filing of a status report including the provisions set forth in the Court's Text Order

entered on February 16, 2022 (ECF No. 170), The South Carolina State Conference of the NAACP (“SC NAACP”) and Taiwan Scott (collectively, “Plaintiffs”); Thomas C. Alexander and Luke A. Rankin, in their official capacities (“Senate Defendants”); James H. Lucas, Chris Murphy, and Wallace H. Jordan, in their official capacities (“House Defendants”); and Howard Knapp, John Wells, JoAnne Day, Clifford J. Edler, Linda McCall, and Scott Moseley, in their official capacities (the “Election Defendants”), submit this joint status report, which includes: (1) an update on any settlement discussions; (2) a proposed scheduling order which provides for the commencement of the trial regarding the challenge to the House Plan on May 16, 2022; and (3) the status of discovery issues, including contested issues which have been resolved and matters which remain in dispute and need to be ruled upon by the Panel.

I. Settlement Discussions

On February 15, 2022 Plaintiffs and House Defendants (collectively, the “Mediation Parties”) requested a two-week pause of this litigation to focus on efforts to resolve it with respect to Plaintiffs’ challenge to the House Plan (ECF No. 167). The Panel granted this request (ECF No. 170). At the request of the Mediation Parties (ECF No. 173), the Panel designated United States Magistrate Judge Mary Gordon Baker (“Judge Baker”) to serve as mediator for the parties’ settlement discussions on March 1 and 2, 2022 (ECF No. 175).

On March 1, 2022, the Mediation Parties participated in mediation before Judge Baker. Despite a good faith effort by the Mediation Parties, mediation was unsuccessful. Judge Baker ended the mediation after one day on the evening of March 1, 2022.

II. Proposed Scheduling Order

The Parties have agreed to the proposed schedule:

Deadline or Event	Agreed Dates
Fact and Expert Discovery Deadline	April 22, 2022

Dispositive motions and motions <i>in limine</i>	May 2, 2022
Pre-trial Disclosures	May 5, 2022
Responses to dispositive motions and motions <i>in limine</i>	May 9, 2022
Objections to pre-trial disclosures and deposition designations and any deposition counter-designations	May 12, 2022
Final Pre-Trial Conference	May 13, 2022
Trial begins	May 16, 2022
Proposed Findings of Fact and Conclusions of Law	14 calendar days after conclusion of trial

Attached as ***Exhibit A*** is the parties' proposed Second Amended Scheduling Order with Respect to the Challenged House Districts, which is also being submitted via electronic mail to the Chambers of the Honorable J. Michelle Childs.

III. Status of Discovery Issues

As of March 7, 2022, of the Mediation Parties, Plaintiffs have produced 234 documents (1,170 pages), and House Defendants have produced 14,424 documents (102,025 pages). House Defendants have taken depositions of all of Plaintiffs' expert witnesses and Plaintiff SC NAACP's President, Brenda Murphy.¹ To date, Plaintiffs have requested but not yet taken any depositions; however, the Parties discussed the scheduling of additional depositions during an hour-long Meet and Confer initiated by the House Defendants and held on March 4, 2022.

On February 10, 2022, the Court granted in part Plaintiffs' Motion to Compel Production of Documents and Information Requested from House Defendants (ECF No. 119), which concerned House Defendants' production of documents that were withheld on the basis of the legislative privilege. (ECF No. 153). The Court's Order "allow[ed] discovery on 'documents, communications, and information which broadly address the issue of discriminatory intent in the

¹ House Defendants intend to resume deposition of Ms. Murphy, which had been left open due to issues raised by counsel for House Defendants.

present redistricting cycle, by individual legislators or the Legislature as a whole.”” *Id.* In meet and confer discussions on March 4 and 7, 2022, Plaintiffs discussed with House Defendants remaining questions concerning the completeness of House Defendants’ production in accordance with the Court’s Order, and the Parties are continuing to discuss those issues this week.

Also currently before the Court is an outstanding Motion to Compel Discovery filed by House Defendants on February 13, 2022 (ECF No. 157).

Counsel for Plaintiffs and House Defendants conducted a three-hour Meet and Confer on March 7, 2022 to discuss the issues raised by House Defendants in their Motion to Compel, as well as several issues raised by the Plaintiffs during the March 4, 2022 Meet and Confer referenced above. The Parties agreed to continue to work cooperatively during the next week to narrow the focus of any discovery disputes that must be resolved by this Court. The Parties have scheduled an additional Meet and Confer for 11:00 a.m. on March 10, 2022.

At present, given the two-week pause, the Court’s February 16, 2022 Order, and the parties’ ongoing meet and confer discussions, the House Defendants’ Motion to Compel has not been fully briefed. The Parties jointly request that the House Defendants’ Motion to Compel continue to be held in abeyance for 10 additional days to allow the Parties further time to narrow the issues raised in the motion. The Parties have agreed to give each other 24 hours’ notice prior to the filing of any additional motions relating to discovery.

House Defendants have also issued subpoenas to Plaintiffs’ counsel the NAACP’s Legal Defense Fund and the ACLU, which have served objections. House Defendants have extended the response date for those subpoenas to March 21, 2022 and are engaged in an ongoing dialogue with counsel for those organizations in an attempt to resolve any issues related to those subpoenas. The

Parties will advise the Court by March 23, 2022 if there are issues related to those subpoenas which cannot be resolved by the Parties.

[Signature Pages Follow]

Dated: March 7, 2022

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* Motion for admission *Pro Hac Vice* forthcoming
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